

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

- V- : 08 Cr. 826 (RMB)

AAFIA SIDDIQUI, :
Defendant.

X

DEFENDANT AAFIA SIDDIQUI'S REQUESTED VOIR DIRE

Defendant Aafia Siddiqui, through her undersigned counsel, respectfully requests the Court, pursuant to Rule 24 (a) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the United States Constitution ask the following questions of each potential juror during jury selection because of the pervasive ¹ and inflammatory media coverage surrounding her prosecution,² and the need for a searching inquiry to screen out those persons with fixed opinions as to guilt or innocence. Moreover, the selection of a fair and impartial jury taken from a community so identified with the tragic events of September 11th, to sit in judgment of a woman described as the “Mata Hari of Al Qaeda” ³ should be conducted with great caution.

The Court is respectfully requested to further inquire, or permit questioning by counsel, if a prospective juror’s answer reveals that further inquiry is appropriate and, in such an instance, to continue with an inquiry as to whether the particular fact or circumstance would influence the prospective juror against Dr. Siddiqui. The Defendant reserves her right to submit any further

¹ A recent Google data base search revealed 108,000 hits for Dr. Aafia Siddiqui.

² Dr. Siddiqui has been nicknamed the “Al-Qaeda woman”(See www.timesonline.co.uk/tol/news/world/us_and_americas/article4467148.ece). In the local papers, the New York Post has profiled Dr. Siddiqui as an “Al Qaeda Mom” and an “MIT Jihadi”. (See The New York Post “*Al Qaeda Mom*” *One Tough Nut to Crack* July 6, 2009; *MIT Jihadi Fit for Trial* July 30, 2009.)

³ ABC News *Alleged Mata Hari of Al Qaeda Indicted* September 2, 2008.

questions to the jury panel based upon the responses, which members of the jury panel might give during the course of the jury selection process.

Respectfully submitted,

/s/ Linda Moreno

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MEDIA EXPOSURE

Have you seen, heard or read anything about this case or about Dr. Siddiqui prior to today? This includes information in the media in any form or anything that you might have heard from any source, including friends, relatives, or others. What have you heard?

If you have seen, heard, or read this information, do you feel that it might affect your ability to be a fair and impartial juror in this type of case? Do you feel that your prior knowledge of any details about this case from the media could affect your ability to consider and evaluate the testimony and evidence in the case?

RELIGIOUS BIAS/MUSLIMS

Dr. Siddiqui is a Muslim. Do any of you have strong feelings about Islam such that you could not listen to the evidence in this case with an open mind and reach a fair and impartial verdict?

Dr. Siddiqui wears a veil worn by Muslim women that covers the face revealing only the eyes. Have you formed an opinion about Dr. Siddiqui because she wears the Islamic dress? Based on this opinion, would it make it difficult for you to sit as a fair and impartial juror in this type of case?

Have you had any negative experiences with people of the Muslim faith that could prejudice you as a juror in this case? Based on this experience would it make it difficult for you to sit as a fair and impartial juror in this type of case which involve allegations of attempted murder against American soldiers?

OTHER BIAS

You may hear evidence that Dr. Siddiqui made some anti-Semitic comments in the past.

Would that testimony affect your ability to be a fair and impartial juror in this case?

BURDEN OF PROOF

The United States has the burden of proving its case beyond a reasonable doubt. This burden never shifts to Dr. Siddiqui. She is presumed innocent and cannot be convicted unless the jury, unanimously and based solely on the evidence presented in court, decides her guilt has been proved beyond a reasonable doubt.

Would you have any difficulty following this rule where the allegations against Dr. Siddiqui include attempted murder and assault of American soldiers?

You may hear some allegations that Dr. Siddiqui is a terrorist. However, the government has not charged her with any crimes of terrorism. Will you be able to focus on only the charges in the trial and render a verdict solely on those charges?

MILITARY BACKGROUND/RELATIONSHIPS

Have you or a spouse or other immediate family member ever served in the military or are currently in the military? If so, whom, and in what branch of service?

Have you or anyone you know served overseas in the ongoing wars in Iraq and Afghanistan, or in Desert Storm or the Persian Gulf War, or in other areas of the Middle East? Were you or anyone you know involved in a combat situation?

During the course of that service, were you, your spouse, or family member wounded? What happened?

Do you feel that your military experience or that of your family member or spouse might affect your ability to serve on this jury and to be a fair and impartial juror with respect to this case where the defendant is charged with attempted murder and assault of United States soldiers?

LAW ENFORCEMENT WITNESSES

Do you have any member of your family, close friend or acquaintance who is involved in law enforcement, including serving as a state or federal police officer, sheriff's deputy, other local law enforcement agent, FBI, DEA, CIA or any state or other federal law enforcement agency?

If so, whom do you know, what do they do, and what is the nature of your relationship to that person?

Does having such a friend or relative affect your ability to be a fair and impartial juror sitting in a criminal case and evaluating the testimony of other law enforcement officers, specifically FBI agents? Would you be more likely to believe a witness because he or she is a member of law enforcement?

JUROR BACKGROUND

The defense respectfully requests that the Court ask each juror to state the following information:

- a. juror's age
- b. area in which juror resides
- c. juror's occupation; juror's spouse occupation
- d. juror's educational background
- e. name and location of juror's employer; same information for spouse
- f. what newspapers and magazines juror reads

g. what television programs juror regularly watches

EXPERIENCES ON SEPTEMBER 11TH

Were you, a member of your family, or a close friend employed as a New York City firefighter, police officer, or paramedic on 9/11? Did that experience affect how you view Muslims? Would that experience affect your ability to evaluate testimony in this case where the Accused is a Muslim and the allegations are that she attempted to murder U.S. soldiers? (Follow up)

Did you know anyone that was a victim of the 9/11 attacks on the World Trade Center? (Follow up)

Have you, a close friend, or a family member been involved in any victims' support groups related to 9/11? (Follow up)

Do you know anyone that became ill as a result of working at Ground Zero? (Follow up)

FOREIGN WITNESSES

You may hear testimony from law enforcement witnesses from Afghanistan. Have any of you had any experiences with persons from Afghanistan that would make it difficult for you to listen to their evidence with an open mind?

Have any of you traveled to Afghanistan? Is there anything about that experience that might affect your ability to be fair and impartial in this case?

FIRST AMENDMENT

The First Amendment of the United States Constitution guarantees freedom of speech, freedom of association and freedom of religion. Is there anyone who believes that the right to free speech should be limited, when it comes to criticism of the government or its policies?

NON-CITIZENS

Dr. Siddiqui is a Pakistani national and not a citizen of the United States. Do you think that a non-citizen who is charged with a crime and brought to trial in the United States should receive the same constitutional protections as a natural-born U.S. citizen?

Does anyone think that the protections of free speech should not extend to non-citizens?

PRIOR EXPERIENCE WITH GUNS

How many of you have experience with guns? Do you or have you ever owned any guns? If so, what kind and for what purpose?

PRIOR JURY SERVICE

Have you ever served as a juror in any court? If so, when, and in what court did you serve, and was it a civil or criminal case? Without saying what it was, did the jury reach a verdict? Were you the foreperson?

OTHER BIASES

In these questions I have tried to direct your attention to possible reasons why you might not be able to sit as a fair and impartial juror. Apart from any prior questions, is there anything about this case that would cause you to feel under any pressure to convict? Are there any jurors who have the slightest doubt in their minds, for any reason whatsoever, that they will be able to serve conscientiously, fairly and impartially in this case, and to render a true and just verdict without fear, favor, sympathy, bias or prejudice.